

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VINCENT SONNICK,

Plaintiff,

vs.

**5:20-CV-413
(TJM/ML)**

**SOCIAL SECURITY OFFICES SYRACUSE;
and ALJ BRUCE FEIN,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action to Magistrate Judge Miroslav Lovric for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In his Order and Report-Recommendation dated June 4, 2020 (Dkt. No. 5), Magistrate Judge Lovric grants Plaintiff's application to proceed in forma pauperis, and examines the sufficiency of the allegations set forth in the Complaint in light of 28 U.S.C. § 1915.

Liberal construed, Plaintiff's Complaint seeks review of a decision by the Commissioner of Social Security. *See generally* Dkt. No. 1. Plaintiff alleges that he "[d]id not have proper records in time for [the] hearing with [the] ALJ[] [because Plaintiff's] [d]octor did not send proper records." *Id.* at 2. Plaintiff named two defendants in the instant action: (1) the Social Security Offices Syracuse, and (2) ALJ Bruce Fein. *Id.* at 1.

Magistrate Judge Lovric correctly finds that the Commissioner of Social Security is the only proper defendant in an action seeking judicial review under the Social Security

Act, and that Plaintiff can state no claim against Defendants Social Security Office Syracuse and ALJ Fein. *Id.* at 4-5. Accordingly, Magistrate Judge Lovric recommends that this action be dismissed, but that the dismissal be without prejudice and that Plaintiff be permitted thirty days within which to file an amended complaint. *Id.* at 5.

Plaintiff did not object to the Order and Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Order and Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the recommendation for the reasons stated therein.

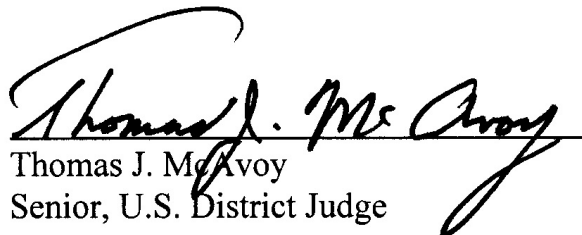
Accordingly,

The Order and Report-Recommendation of Magistrate Judge Lovric, dkt. # 5, is hereby **ACCEPTED** and **ADOPTED**. Plaintiff's Complaint is hereby **DISMISSED** without prejudice to repleading within thirty (30) days of the date of this Decision and Order.

If Plaintiff does not file an amended complaint within thirty (30) days of the date of this Decision and Order, the Clerk of the Court is directed to close the file in this case.

IT IS SO ORDERED.

Dated: July 20, 2020


Thomas J. McAvoy
Senior, U.S. District Judge